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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States Parties under articles 16 and 17 of the Covenant

Addendum

BELGIUM

[3 May 1993]

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Introduction

Belgium submits herewith its first periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights.

It greatly regrets the delay in the submission of this report on the implementation of the Covenant to the Committee on Economic, Social and Cultural Rights; the delay was due to a number of concomitant factors connected, among other things, with the continuous process of reform of the State, which is reflected in changes in the responsibilities of its internal administrative authorities, with the density and complexity of the social welfare system created in Belgium, and with budgetary restraints which have a negative impact on the level of staffing of the country's public services.

Belgium nevertheless takes this opportunity of re-emphasizing the value it sets on the monitoring organs and machinery established under United Nations treaties in the area of human rights.

Belgium has taken the necessary steps to submit the following to the relevant committees:

In 1991, a report on the implementation of the International Covenant on Civil and Political Rights;

In 1992, a report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

In 1993, a report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women.

The present report consists of three parts. The first presents a series of data on the socio-economic and political map of Belgium as well as a description of the general legal framework on the protection of human rights in the country. The second part is the report proper, which has been drawn up with reference to the provisions of the International Covenant on Economic, Social and Cultural Rights. The third part contains supplementary information forming the annexes to this document.

The legal status of the International Covenant on Economic, Social and Cultural Rights in Belgian law

1. In Belgian law, the rule that determines whether provisions of an international treaty have direct applicability is that the provisions should be sufficiently precise and binding for a national judge to be able to apply them.

2. In the case of the International Covenant on Economic, Social and Cultural Rights, its provisions do not have direct effect. Article 2 of the Covenant provides that the implementation of the "rights enunciated in the ... Covenant" depends on "the available resources" of the State and "the adoption of legislative measures". The programmatic nature of this requirement prevents the provisions of the Covenant from being directly invoked by complainants before Belgian courts and tribunals.

3. It must be pointed out, however, that the State is bound by the "standstill" effect of the provisions of the Covenant. Because of the requirement that treaties be performed in good faith, rules of domestic law by which rights embodied in the Covenant were already secured at the time it entered into force in Belgium cannot be challenged at a later date (Court of Cassation 20 December 1990, JLMB 1991; note R. Ergec).

4. The provisions of the Covenant may be used as a basis for interpreting the general principles of the law applied by judges, for example in regard to freedom of association and the right to strike.

Article 6

Right to work

5. Belgium has acceded to or ratified the following international legal instruments concerning the right to work:

ILO Employment Policy Convention, 1964 (No. 122);

ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111);

International Convention on the Elimination of All Forms of Racial Discrimination;

Convention on the Elimination of All Forms of Discrimination against Women.

6. The following ministries and organs are directly involved in Belgian employment policy:

The Ministry of Employment and Labour;

The National Office of Employment and the community and regional vocational training and employment offices;

The Ministry of the Middle Classes;

The Ministry of Social Welfare;

The regional and community ministries, for matters within their competence;

The community funds for social and occupational rehabilitation of handicapped persons.

7. Before the constitutional reforms were implemented in Belgium, the National Office of Employment (ONEM) covered three areas: responsibility for unemployment regulations, placement, and vocational training. Since the reform, functions in these sectors have been organized as follows:

(a) Unemployment regulations remain a national matter and continue to be the responsibility of ONEM.

(b) Vocational training has become a community matter and is managed by:

The Flemish Office of Employment and Training (VDAB) for the Flemish Community;

The Community and Regional Office of Vocational Training and Employment (FOREM) for the French and German-speaking Communities.

(c) Worker placement is the responsibility of the Regions and is dealt with by:

VDAB for the Flemish Region;

FOREM for the Walloon Region;

ORBEM for the Brussels-Capital Region.

Employment policy

8. Whereas in 1990 the growth rate in Belgium was 3.4 per cent, in 1991 it amounted to 1.6 per cent. For 1992 a rate of 1.5 per cent at most was predicted. The improvement in the economic situation which was initially hoped for in 1992 is awaited in 1993, in which the growth rate may be 2 to 2.2 per cent. This would just be enough to stabilize unemployment. To reverse the trend, a rate of 3 per cent would be necessary. In view of this situation, priorities have gradually been redefined.

9. In regard to wages, the maintenance of competitiveness continues to be a matter of concern. The 1989 Act on maintaining the competitiveness of the Belgian economy attempted to tackle this problem. It provides, among other things, that labour costs in Belgium are not to increase at a greater rate than the weighted average of the country's seven principal trading partners.

The operation of this rule is governed by a procedure in which the parties concerned (employers and trade unions) intervene before the Government takes any necessary measures.

10. The number of fully unemployed on benefit remains high (see the figures in the annexes to this report). But the level of unemployment is of less concern than its structure, with long-term unemployment representing almost 50 per cent.

11. Under the policy pursued by the Ministry of Employment and Labour, various measures have been taken to promote the training and re-entry into employment of long-term unemployed, and this has also been the case with renewed action in favour of groups at risk. But the main impetus in this field is expected to come from the support programme for the unemployed, under which every unemployed person will be the subject of a personal re-employment plan after being out of work for nine months.

12. Another form of priority action is a series of measures designed to harmonize working life and family life.

13. Concerning unemployment insurance proper, the objective is to guarantee adequate welfare coverage for all those who find themselves in a situation to claim it.

14. Further priority action consists in improving the work opportunities and working conditions of women in economic life.

15. Mention must also be made of the steps taken to offer suitable retirement conditions to workers and unemployed persons over 50 years old.

16. The employment agreement for the years 1991 and 1992 is used as a basis for sectoral negotiations and concerns more than 2 million workers and employees in the private sector. Its provisions relate to freedom of negotiation and maintenance of competitiveness, the standard minimum wage, agreed steps on matters of employment and unemployment, measures for elderly unemployed, family-work links and holiday pay.

17. Detailed information on structures, welfare measures and job creation is given in one of the annexes to this report.

Article 7

Right to the enjoyment of just and favourable conditions of work

18. Belgium has ratified the following ILO conventions:

Equal Remuneration Convention (No. 100);

Weekly Rest Convention (No. 14);

Weekly Rest Convention (No. 106);

Labour Inspection Convention (No. 81).

(a) Remuneration

19. Working conditions, including remuneration, are determined within the framework of negotiations between the parties concerned, which are held in official or legally constituted bodies and at different levels according to the issues involved. National-level negotiations take place in the National Labour Council. Sectoral and subsectoral negotiations are conducted by joint committees. At the enterprise level, negotiations are carried out through trade union delegations.

20. Negotiations usually lead to collective agreements which, in accordance with current provisions, are binding not only on employers and employees as joint signatories but also on the workers concerned through the joint committee for their sector. The negotiations cover wages, working hours, index-linking arrangements, etc.

21. In addition, the duration of annual holidays, as well as holiday pay, are the subject of sectoral and multisectoral negotiations. The collective agreements also provide for benefits which are supplementary to the general social security regime financed by employers' contributions.

22. Collective agreements Nos. 33 and 43 of the National Labour Council guarantee an average monthly minimum income for workers who have no minimum wages fixed by their joint committee. This is linked to the consumer price index.

23. An Act of 16 March 1971 requires employers to pay higher wages for overtime work.

24. Much more detailed information on wage formation and the framework for collective bargaining is given in one of the annexes to this report.

25. The determination of wages and other benefits for public service employees, and in particular for civil servants, falls within the regulatory framework specific to these categories of employee, who are not covered by the traditional contractual system.

26. Staff regulations in the public services are both determined and modified by the public authorities in close concertation with trade union organizations. From this process stem terms-of-service programme agreements which, as a rule, are subsequently confirmed by legislation.

27. The pay of the employees concerned is determined on the basis of scales which comprise: minimum pay, step increments, based on the career and seniority principle, and maximum pay. The minimum pay can never be less than the official subsistence level ("minimex").

28. Title V of the Economic Reorientation Act of 4 August 1978 provides for equality of treatment for men and women in regard to working conditions, including remuneration. For equal work or work of equal value, equality of remuneration for male and female workers must be assured as regards all

aspects and conditions of remuneration (i.e., cash, wages, tips or services, money benefits such as end-of-year bonus, seniority bonus, transport allowances, etc.).

29. The above-mentioned Act gave effect to the European directive of 9 February 1976 on equal treatment for men and women as regards access to employment, vocational training and promotion. According to the Act, any form of discrimination based on gender, whether direct or indirect, through reference to a person's family situation is prohibited. The scope of the Act is vast, since it covers all employers and employees in both the private and the public sectors, as well as all forms of discrimination not only in legal instruments but also in practices relating to advancement opportunities.

30. A Royal Order of 18 September 1992 provides for the protection of workers against sexual harassment at work. The enactment fills a legislative gap on the subject. It defines this type of harassment and requires the employer to take appropriate measures to protect persons at work.

31. Supplementary information on these various topics is given in the last Belgian report on measures taken to implement the Convention on the Elimination of All Forms of Discrimination against Women.

(b) Occupational health and safety

32. A number of laws and regulations cover this subject in regard to places of work, whether in the private or the public sector. The provisions of this legislation comply with the rules laid down in the Labour Inspection Convention (No. 81).

33. The Act of 3 July 1978 on contracts of employment guarantees all workers bound by these contracts the right to safe and healthy working conditions. The Act covers almost all workers in the private sector in Belgium. In exceptional cases where there is no contract of employment (work at home, family businesses), the provisions of articles 1382 et seq. of the Civil Code on civil liability (requirement of prudent management) apply.

34. The rules concerning occupational health and safety are included in the general regulations on labour welfare. The rules are frequently modified and improved so as to provide an optimal level of welfare in these fields. They apply to all categories of workers including those belonging to the public services.

35. A close-knit network of specialized structures has been established at the various levels of the workplace, in its broad sense, with a view to implementing or monitoring the implementation of the regulations. They include, at the base, safety services, health and work place improvement services, committees, sectoral committees, district committees, medical services, etc.

36. A service of the technical inspectorate of employment, which is part of the occupational safety department of the Ministry of Employment and Labour, operates in all private-sector enterprises except those which come under the jurisdiction of the department of mines.

37. On 30 June 1991, approximately 750,000 workers were covered by the regulations on workplace health conditions and workers' health.

Number of infringements recorded (31 December 1991):

(i) Workplace health conditions: 298

(ii) Sanitary installations: 1,294

(iii) Rest areas: 8

(iv) Medical service affiliation: 114.

(c) Rest, limitation of working hours, paid holidays

38. The Act of 16 March 1971 on employment consolidates the legal provisions concerning working hours, night work and Sunday rest. Working hours cannot exceed 8 hours per day or 40 hours per week, or any lesser limits stipulated in collective labour agreements. The Act nevertheless permits a number of exemptions from the limits on working hours; permitted additional hours of work are generally recompensed by rest time and extra pay.

39. The general rule is that Sunday should be a day of rest for workers, but exemptions are made in certain sectors. This rule applies also to civil servants, for whom in addition Saturday work was abolished on 30 October 1959. Persons who work on Sundays have the right to compensatory leave during the six days following the day on which they worked.

40. The Act of 4 January 1974 on public holidays stipulates that workers must be free for 10 public holidays per year, but again it provides for exceptions to the rule. A worker is entitled to remuneration for every public holiday or replacement day on which he did not work, and also for every compensatory rest day.

41. A description of the welfare system for young workers is included in this report in the section on article 10 of the Covenant.

Article 8

Trade union rights

42. Trade union rights were dealt with extensively in Belgium's report on civil and political rights (CCPR/C/57/Add.3). The present report will confine itself to describing the most significant aspects of the subject.

(a) The right to form trade unions

43. Freedom of association is established in article 20 of the Constitution, which provides that "Belgians have the right of association; this right shall not be restricted by any preventive measures". This constitutional provision was given practical expression, in particular by the Act of 24 May 1921 guaranteeing freedom of association and stipulating penalties for persons who violate that freedom.

44. Trade unions in Belgium have opted to form "de facto associations", which does not prevent them from enjoying considerable powers under the relevant laws and regulations. They can:

Conclude collective labour agreements within the joint committees;

Take legal action;

Be represented in the National Labour Council and the Central Economic Council;

Nominate candidates for election to works councils and safety and health committees;

Take part in the management of social security bodies or organizations of public interest;

Participate in consultative bodies in the economic and other sectors.

(b) The right to join a trade union

45. The right to join a trade union was recognized by the Act of 24 May 1921. "No one may be forced to belong or not to belong to an association". The right of association in Belgium is based on the principles of optional and pluralist trade unionism. It is also noteworthy that in the collective labour agreement of 24 May 1971 regulating trade union delegations, the employers' associations confirmed the employers' undertaking not to create any direct or indirect obstacles to freedom of association and to the extension of trade union activities. The employers' associations undertook to recommend to their members not to exert any pressure on staff to prevent them from joining a trade union and not to accord non-unionized workers different privileges from those of unionized workers.

(c) Freedom not to belong to a trade union

46. Freedom not to belong to a trade union is the corollary of the individual's freedom to do so. Violations of the right not to join a trade union are prohibited by the Act of 1921. This provides that any person who deliberately prejudices freedom of association by making the award, the performance or, even where the customary notice has been given, the continuation of a contract of employment or service contingent upon one or more persons joining or not joining an association shall be punishable.

(d) The right to federate

47. In Belgium there is no restriction whatever on the rights of trade unions to establish federations and confederations and to join international trade union organizations.

(e) The right of trade unions to function freely

48. Freedom to form trade unions is characterized by their virtual independence vis-à-vis the State and at the same time by their active participation in the economic and social advancement of the country. The establishment of a trade union is not conditional upon any prior authorization. Equally, a trade union is free to draw up its own rules and regulations and manage its own activities.

(f) The right to strike

49. The right to strike is recognized and widely exercised, although it is not the subject of any regulations. Existing provisions deal with it solely in order to avoid the consequences of conflicts. The National Labour Council's collective labour agreement No. 5 regulating trade union delegations provides that sectoral agreements shall specify the prior notice that must be given before a stike or lockout.

50. The theory that a strike breaches the contract of employment no longer obtains; the argument that it constitutes interruptions in service which suspend the contract is now generally accepted.

51. What is more, the strike period does not vitiate the worker's welfare status as other suspensions might, constituting a period of prejudicial joblessness; instead, it is rendered inoperative and the days lost can be treated as actually worked from most social security aspects (family and unemployment benefits, pension, etc.).

52. The only legal measures relating to the right to strike concern those private-sector workers who are bound to provide public services pursuant to the Act of 19 August 1948 on public service duties in peacetime. This item of legislation was motivated by the need to provide for the vital needs of the public, to protect industrial equipment and raw materials (protection of the means of production). The protection of the public interest is maintained with the cooperation of the parties concerned themselves.

(g) The public services

53. Public service employees, like all Belgians, enjoy the right of association guaranteed by the Constitution, which provides in addition that this right may not be restricted by any preventive measure.

54. The Act of 14 January 1975 establishing disciplinary regulations for the armed forces provides that military personnel may join either recognized military staff associations or trade unions recognized as representing public servants. Members of the gendarmerie however, may only join professional associations approved by the Crown and composed exclusively of members of their own body. The Act also forbids any form of strike action by military personnel.

(h) Strikes by public servants

55. Belgian law does not prohibit strikes in either the private or the public sector but neither does it authorize them. In examining the position under Belgian law, the Court of Cassation held in a case involving private-sector workers that participation in a strike did not in itself constitute an unlawful act and that no rule of law prevented workers from participating in a strike not recognized by a representative trade union. Nevertheless, the very nature of a public service implies that the exercise of the right to strike cannot be absolute, since the public interest is deemed to be permanent.

56. Under the regulations governing civil servants, the latter may not suspend the performance of their duties without prior authorization; any breach of this prohibition is sanctioned by disciplinary punishment.

57. In practice, it is found that strikes by public service employees are generally condoned by the public. Consequently, rather than resort to enforcing the provisions referred to above, the Government has preferred to pursue a policy of collective bargaining which creates favourable relations between the public authorities and the trade unions, with the aim of lessening the risk of conflict.

Article 9

Social security

(a) General framework

58. The legal provisions concerning workers' social security (Act of 27 June 1967) apply generally to all employers established in Belgium who employ workers engaged either under an employment or apprenticeship contract or pursuant to official regulations (the public services in the broad sense).

59. In principle, the workers referred to in these provisions fall within the social security system however many hours they work per day, week or month, unless their activities are spare-time work or of short duration.

60. The application of the Act entails full entry to all the schemes covered by social security: sickness and disability insurance (health care branch and disability branch), family allowances, pension, unemployment benefit and occupational illness and accident benefits. In some cases, entry is limited to specific schemes.

61. Through collective labour agreements concluded in the joint committees, and where appropriate made mandatory by the Crown, supplementary welfare benefits may be paid to workers in the sectors of activity concerned. These agreements can either set up income security funds or lay down rules for that purpose.

62. The Act of 7 January 1958 permits the establishment of income security funds through collective labour agreements which have been rendered mandatory by Royal Order. The funds were initially envisaged as a means of supplementing unemployment benefit in certain particularly hard hit sectors, through the

payment of additional benefit, and thus of assuring unemployed workers greater continuity of income. Their role has gradually been expanded over the years. Another purpose of the funds is to finance and pay certain persons benefits such as the following as an addition to social security benefit:

Supplementary sickness, childbirth and non-occupational accident benefits, as well as supplementary payments for occupational accidents and illnesses;

Supplementary (partial or full) unemployment benefits;

Supplementary holiday pay;

Payments for workers who have been dismissed before reaching pensionable age;

Payments for workers who retired at the normal age.

63. In regard to the financing of the scheme, employers and employees are liable for contributions whose amount is based on a percentage of gross remuneration. These contributions are paid to the National Social Security Office (ONSS).

(b) Brief description of the various schemes

1. Sickness and disability

64. Sickness and disability insurance is divided into three types of benefit: health care insurance, disability compensation and maternity allowance.

(a) Health care insurance has gradually been extended to the entire population, but it is restricted to the major risks in the case of self-employed persons and members of religious communities. Health care insurance benefits are paid not only to members of the scheme, in other words to those inherently entitled to receive benefit, but also to their dependants. The former can be divided into three broad categories: employees and comparable workers; self-employed persons and comparable workers and their assistants; and other beneficiaries (students, handicapped persons, persons not yet covered). Beneficiaries must choose an insurer, either by joining a mutual benefit insurance society or by registering with the Auxiliary Sickness and Disability Insurance Fund. Reimbursements concern professional fees of medical personnel, pharmaceutical products and hospital expenses. The resources of the general health-care insurance scheme consist mainly of the proceeds of a contribution of 7.35 per cent of remuneration, the latter not being subject to a ceiling (3.55 per cent payable by the employee and 3.80 per cent by the employer) and a State contribution (80 per cent of the cost of health benefits for widowers, widows, orphans, pensioners and the disabled). For self-employed persons, the rate of contribution depends on the amount of income and the State contribution is calculated in exactly the same way as under the general scheme.

(b) Disability insurance is intended to compensate persons who are unable to work because of illness or an accident. Only members of the scheme

can receive these cash benefits. For employees, the amount of compensation is proportionate to the remuneration lost and is subject to a ceiling. Self-employed persons receive a lump-sum payment which is meant to guarantee them minimum subsistence. In addition to employees, other than those in the public sector, women who stop work from the fifth month of pregnancy and unemployed workers under observation are entitled to disability compensation. Three types of benefit are payable under the heading of disability compensation: primary disability compensation, invalidity compensation and grants for funeral expenses.

(i) Primary disability compensation is calculated on the basis of daily earnings not in excess of 3,416.39 francs. In the case of sickness, it is 60 per cent of lost earnings. The maximum amount of the disability compensation is 2,050 francs per day (amounts applicable since 1 September 1992).

(ii) Invalidity compensation is granted from the second year of work disability. The amount of compensation is 65 per cent of lost earnings for a member with dependants and 45 per cent or 40 per cent for a member without dependants, according to whether or not the member satisfies the condition of having lost his or her sole source of income. The maximum daily amount of invalidity compensation may not exceed 2,050 francs for workers with dependants and 1,367 francs for workers without dependants (amounts applicable on 1 September 1992).

(iii) The funeral expenses grant is a lump sum of 6,000 francs. Self-employed persons may not claim this benefit

65. In order to obtain primary disability compensation, the claimant must send a medical certificate to the insurer's medical consultant within the two days following the commencement of the disability. This period is extended to 60 days for self-employed persons. The claimant may be required to undergo a medical examination by the medical examiner of the medical supervision service of the National Institute of Sickness and Invalidity Insurance (INAMI). It is the responsibility of the Institute's Medical Invalidity Board to establish the existence of invalidity and specify its duration.

66. The resources of the disability insurance scheme consist mainly of the proceeds of a contribution of 3.50 per cent of remuneration, the latter not being subject to a ceiling (1.15 per cent payable by the employee and 2.35 per cent by the employer) and a State contribution (95 per cent, 75 per cent and 50 per cent of the amounts of compensation paid respectively from the fourth, third and second year of work disability).

67. The funeral expenses grant is fully funded by the Government. For self-employed persons, the rate of contribution depends on the amount of income and the contribution of the State is calculated in the same way as under the general scheme.

Maternity allowance

68. Since 9 January 1990, maternity insurance has constituted a specific branch of social security because the cost of the allowance is borne by all employers, in the general interest, whether they employ women workers or not. Accordingly, the maternity allowance no longer constitutes an obstacle to the hiring of women workers.

69. With respect to the general scheme, the member receives a maternity allowance from the first day of maternity leave. Prenatal leave (seven weeks, six of which are optional, the week preceding delivery being compulsory) is determined according to the date of delivery. The portion of optional prenatal leave not taken before delivery may be taken after postnatal leave (eight weeks compulsory leave after delivery). As regards maternity leave, the maternity allowance replaces the guaranteed wage and the sickness benefit. The amount of the allowance varies according to the duration of the maternity leave and the status of the beneficiary (employed, unemployed, disabled or other worker).

70. For self-employed women, the period of maternity is an uninterrupted period of three weeks which begins on the day following the day of delivery. The amount of the allowance for this category of beneficiary is 33,123 francs (1 October 1992).

71. To conclude, it should be noted that the main features of the sickness and disability scheme in Belgium are as follows:

(a) Health care

Freedom of choice of treatment by health-care providers;

Free choice by the patient of health-care providers and establishments and of insurer (five national unions subdivided into 120 federations, which cover 1,177 mutual benefit insurance societies in addition to the Auxiliary Fund);

Coverage for virtually all residents; self-employed persons have compulsory coverage only against "major risks" but 75 per cent take out voluntary insurance against "minor risks";

Dependants have a right derived from that of members.

(b) Work disability benefits

For employees, the amount of the benefit is a percentage of lost earnings, which are subject to a ceiling, with minima and maxima during the period of invalidity. For self-employed persons, the amount of the benefit is a lump sum. For both groups, the amount of replacement income is determined largely by the level of family responsibilities.

2. Old age benefits

Pension system: general features

72. Under the employees' pension scheme, pensions are proportionate to the beneficiary's income and career service; this principle is backed by corrective mechanisms that guarantee upward adjustment of occupational reference incomes on the one hand and minimum pension amounts on the other, while at the same time setting maximum amounts out of respect for the general interest. Since 1984, the pensions of self-employed persons have also been proportionate to occupational income and minimum pensions are also guaranteed. Furthermore, the pensions of employees and self-employed persons are linked to the consumer price index, and as far as employees are concerned, their pensions are adjusted to reflect improved well-being. The pensions of public sector employees are not only index-linked but also benefit from the application of the equalization principle.

Employees' pension scheme

73. Under the terms of the Royal Order of 24 October 1967, this pension scheme applies to everyone who has been employed in Belgium under a contract of employment.

74. A retirement pension may become payable between the ages of 60 and 65 for men and women who are still working, the Act of 20 July having introduced a flexible retirement age. The pension is granted to Belgians everywhere in the world and stateless persons and refugees recognized as such are treated as Belgians. The pension is not paid to foreigners unless they actually reside in Belgium, subject to the application of international social security agreements.

75. The pension is payable only if the beneficiary has ceased all except authorized occupational activity, and only if the beneficiary is not receiving either compensation for illness, invalidity or involuntary unemployment under Belgian or foreign social security legislation, or an allowance for interruption in service or reduction in benefits.

76. The pension depends upon the remuneration earned during the course of the beneficiary's working life and upon the duration of the latter, according to specific rules of calculation. It may be received concurrently with a foreign retirement pension or obtained under another pension scheme, but may not exceed the pension represented by a full working life.

77. Under the Act of 20 July 1990, men and women may take their pension at the age of 60, without any reduction because of early retirement.

Survivor's pension

78. A survivor's pension may be payable to a surviving spouse who has reached the age of 45. This, however, is not a requirement if the spouse provides proof of permanent disability of at least 66 per cent or has a dependent child for which he or she is receiving family allowances, or if the deceased spouse worked as a miner at the pit-face for 20 years.

79. The survivor's pension is payable only if at the date of death the surviving spouse had been married for at least one year to the deceased worker. This condition does not have to be satisfied if:

A child has been born of the marriage;

At the time of death there is a dependent child for whom the male or female spouse was receiving family allowances;

If death was due to an accident subsequent to the date of marriage or was caused by an occupational illness contracted in the performance of the occupation or of a mission entrusted to the deceased by the Belgian Government and if the cause or aggravation of the illness was subsequent to the date of marriage.

The survivor's pension is 80 per cent of the amount of the spouse's retirement pension calculated at the household rate.

80. A holiday allowance and a supplementary allowance are payable annually to the beneficiaries of survivor's and retirement pensions. In 1992, the total holiday allowance was 20,893 francs for a household and 16,714 francs for a person living alone. A heating allowance is payable for each year of regular employment - in particular in the coalmines - and for a maximum of 30 years. The maximum for this specific allowance is 21,936 francs.

Guaranteed income for elderly persons

81. This is an allowance paid to elderly persons who have very limited means or a minimum pension. The guaranteed income is payable without any obligation on the part of the beneficiary to contribute, but after an investigation has been made into his or her means.

82. In order to obtain the guaranteed income, a male applicant must be at least 65 years of age and a female applicant 60. If the applicant is married, the age requirement has to be met by the applicant only and not by his or her spouse. The applicant must be of Belgian nationality, but the condition of nationality is not a requirement for the spouse. The following persons are treated as Belgians:

Stateless persons and refugees recognized as such;

Nationals of a country with which Belgium has concluded a reciprocity agreement;

Persons to whom EEC Regulation No. 1408/71 applies;

Any person of foreign nationality entitled to an employee's or self-employed retirement or survivor's pension in Belgium.

The guaranteed income is payable only to persons actually residing in Belgium.

Selected figures

1. Employee's Pension:

Guaranteed monthly minima (1 November 1992)

Beneficiaries: 887,775

Households: 31,727 francs (1 January 1990)

Persons living alone: 25,390 francs

Survivor's pension: 24,964 francs

Beneficiaries: 497,642 (1 January 1990).

2. Self-employed pension:

Guaranteed minima (1 January 1990)

Beneficiaries: 310,102

Households: 20,952 francs

Persons living alone: 16,064 francs

Survivor's pension: 15,440 francs

Beneficiaries: 147,733.

3. Public service pension:

Guaranteed monthly minima

Beneficiaries: 180,274

Households: 35,673 francs

Persons living alone: 29,134 francs

Survivor's pension: 24,618 francs

Beneficiaries: 75,601.

4. Guaranteed minimum income for elderly persons:

Beneficiaries: 101,768

Households: 23,532 francs

Persons living alone: 17,649 francs.

The main resources of the pension system consist of: contributions are payable by workers and employers - for example, in the case of manual workers the worker pays 7.5 per cent and the employer 8.86 per cent, there being no ceiling on the remuneration - and a yearly State subsidy set at 44,497 million francs for 1993.

3. Occupational accident benefits

83. The Act of 10 April 1970 on occupational accidents applies to employees covered wholly or partially by a social security scheme (salaried and wage-earning workers, miners, seamen); and organizers and supervisors of holiday camps, students who work during their holidays, non-resident domestic workers not covered by social security, casual workers, community development workers, supervisors and instructors for sociocultural and sporting activities, and workers who harvest certain fruits and vegetables.

84. The institutions involved in this branch of welfare are as follows:

Joint insurance funds approved for occupational accident business;

Fixed-premium insurance companies approved for occupational accident business;

The Occupational Accidents Fund, which deals with the seamen's scheme, the automatic affiliation of employers in default, and supplementary, special or equalization allowances.

85. The risks covered are the following:

Occupational accidents, i.e. any accident which a worker meets during the course and as a result of the performance of a contract of employment and which causes an injury;

Any accident which a worker meets on the way to or from work on the route betwen his or her residence and place of work.

86. Legal action may be taken in accordance with the rules on civil liability by the victim or persons entitled under the victim against:

The head of the enterprise who deliberately caused the occupational accident;

The persons responsible for the accident, other than the employer and his agents;

The employer, if the accident caused damage to the property of the worker;

The employer, his agents or servants if the accident occurred on the way to or from work.

87. With respect to temporary disability, the victim is free to choose a doctor and a health care institution unless the enterprise or the insurer has

a recognized medical service. The duration of care is unlimited and no costs are incurred by the victim except in certain cases resulting from the victim's choice.

88. As far as cash benefits are concerned, they are not subject to a waiting period and are payable until the victim is cured or regains strength. The payment is based on the remuneration to which the worker was entitled for the year preceding the accident and on the job done in the enterprise at the time the accident occurred (maximum 891,510 francs for 1993). The remuneration of minors and apprentices may not be less than 178,302 francs for the year 1993. The benefit amounts to 90 per cent of 1/365th of the victim's basic wage. In most cases the worker is entitled, at the beginning of the disability and for a specific period, to a guaranteed monthly wage payable by the employer pursuant to the laws on contracts of employment.

89. The degree of disability is decided after approval of an agreement between the parties or after a judgement by the labour court for the victim's place of domicile. The degree of incapacity may be reviewed at any time during a three-year period starting from the date of the agreement or judgement. When this period has expired, an allowance for aggravated disability is payable where the earlier degree of disability has increased by at least 10 per cent. The allowance is based on the remuneration for the year preceding the accident. In cases of total disability it is 100 per cent of the basic remuneration, and in cases of partial disability a percentage of the basic wage equal to the percentage of disability. The allowance is reduced if the victim is receiving a pension. The allowance may be commuted under specified conditions.

90. The provision of funds for compensation of damage caused by occupational accidents is the exclusive responsibility of employers, who pay an insurance premium commensurate with the seriousness of the risks existing in their enterprise. The premium is a percentage of the wages and salaries paid and a contribution must be made to the Occupational Accidents Fund.

Occupational illness insurance

91. The Royal Order of 3 June 1970 coordinating the legal provisions on occupational illness applies to employees covered by the general social security system, persons engaged in a family business under a contract of employment, unemployed and disabled persons undergoing occupational rehabilitation, indentured apprentices, trainees whether paid or not and students. The Occupational Illnesses Fund is responsible for making the payments due under the Act of 3 July 1967 on occupational illnesses in the public sector.

92. The funds for compensation of damage caused by occupational illnesses are provided by employers' contributions and a State subsidy equivalent to 60 per cent of the cost of compensation for miner's pneumoconiosis.

93. As far as cash benefits are concerned, compensation is paid if the disability caused by the occupational illness lasts for 15 days and the application is submitted during this period.

94. The payment is based on the remuneration to which the worker was entitled for the year preceding the start of disability caused by an occupational illness resulting from the job done in the enterprise at the time the illness was contracted (maximum 891,510 francs for 1993).

95. The remuneration of minors and apprentices may not be less than 178,302 francs for 1993. The benefit amounts to 90 per cent of 1/365th of the victim's basic wage per day of temporary total disability. In cases of permanent disability, the compensation is calculated according to the basic wage in the year preceding the occurrence of the risk. In cases of total disability, the benefit amounts to 100 per cent of the basic remuneration; in cases of partial disability it is a percentage of the basic wage equal to the percentage of disability.

96. According to the statistics available on 30 June 1992, the number of persons receiving benefit under the laws on occupational accidents and occupational illneses was 2,283,787.

4. Family allowances

97. The Act of 4 August 1930 was passed as a means of counteracting the decrease in the birth rate and assisting all employees in meeting their family expenses, and it constitutes the basis of the family allowance scheme for employees. This Act has been amended on several occasions and is the basis of the law on employees' family allowances.

98. All persons engaged primarily in a paid occupation are entitled to benefit under the Act. According to the most recent statistics available for the employees' scheme in 1990, 1,014,954 families were receiving family allowance for 1,776,555 children. If the public service employees receiving the same allowance are added, the total number of beneficiaries under the system at that time was 1,171,282 families receiving family allowances for 2,073,670 children.

99. A birth allowance is payable upon the birth of any child eligible for a family allowance. The Minister of Social Affairs may grant the birth allowance in deserving cases in which the right to family allowance does not exist.

100. Family allowances are paid for children of workers who are in active employment or in a situation which counts as such (annual holidays, leave days, compensatory rest days, military service, strike or lockout or uncompensated involuntary unemployment) or who are eligible for an allowance by law (abandoned spouses, workers who are ill or the victim of an accident, orphans, beneficiaries of a survivor's pension, handicapped persons, students, apprentices and schoolchildren, workers in receipt of an interrupted-service allowance, persons in receipt of unemployment benefit and detainees).

101. A supplementary allowance is payable for a child who has suffered a deficiency or reduction in physical or mental capacity of at least 66 per cent as a result of one or more diseases and who is not eligible for family allowance on any other grounds.

102. Besides the basic amounts and the supplementary allowance mentioned above, an increment is payable for an eligible child according to age when the child reaches 6, 12 and 16 years of age. Family allowances are payable for children up to 16 years of age. This limit may be extended to 25 years of age depending on the child's situation (apprenticeship, higher studies, seeking employment, etc.).

103. Starting on 1 January 1993, a premium is paid for the adoption of a child who satisfies the eligibility conditions for family allowance and whose adoptive parent does so as well. In order for this premium to be payable, an act of adoption must have been executed and the child must be living in the home of the adoptive parent. The amount of the premium is the amount of the allowance payable on the birth of a first child.

104. The amount of the allowance depends on the status of the beneficiary, the situation or handicap of the child, the child's order in the family of the person who is bringing the child up, and the age of the child. However, orphans are eligible for a single rate of allowance whatever their order in the family.

105. The scheme is financed by a contribution of 7 per cent of the gross remuneration of employees which is not subject to a ceiling (5.75 per cent of the remuneration of staff of provincial and local authorities).

106. Family allowances are paid monthly by 31 family allowance funds, which employers are free to join, and by three special family allowance funds which employers in certain industries are required to join (port operations, the diamond industry, etc.).

Guaranteed family benefit

107. Apart from the family allowance scheme for employees and self-employed persons, a residual family benefit scheme exists for families who are unable to claim family allowances under any other scheme and whose incomes do not exceed certain limits (Act of 20 July 1971).

108. This scheme is funded nationwide from the proceeds of employers' contributions. The benefit includes birth allowance, family allowance and age increment. The amount of the birth allowance is equal to the birth allowance payable to employees. The amount of the family allowance is equivalent to the amounts payable to pension recipients or persons in receipt of unemployment benefit for the seventh month of unemployment onwards and eligible as having dependants. The age increments correspond to the age increments allocated to employees' "other children", including handicapped children under 21 years of age. The child must be the principal or exclusive responsibility of an individual who has actually resided in Belgium during the five years immediately preceding the submission of the application. The child must actually reside in Belgium and in certain cases must have resided there continuously for at least five years. Exceptions are possible in deserving cases. The quarterly payments may not exceed a given amount which was 79,540 francs on 1 January 1993. The amount of guaranteed family benefit is

reduced by portions of one quarter when the quarterly limits reach 86,969, 94,399 and 101,828 francs respectively. It should be noted that the payment limits are increased by 20 per cent for each eligible child starting from the second child.

Status of nationals and foreigners

109. The Belgian social security system applies to every Belgian or foreign salaried or wage-earning worker who is employed in Belgium by an employer established in Belgium or who is attached to an establishment located there.

110. The benefits to which a worker of the Community is entitled on account of working in Belgium are exportable (except for unemployment benefit and holiday pay) within the territory of the Community. Also, the periods during which the worker contributed to social security in Beligum can be taken into consideration to earn entitlement to benefits in other countries of the Community.

111. As far as non-EEC workers are concerned, the rights to export of benefits and to a full record for periods of cover will depend on whether a bilateral social security agreement has been signed between Belgium and the worker's new State of employment or residence and on the scope of the agreement.

112. Belgium is bound by a social security agreement with the following countries: Algeria, Austria, Canada, Congo, Denmark, France, Germany, Greece, Ireland, Israel, Italy, Luxembourg, Morocco, Netherlands, Poland, Portugal, San Marino, Spain, Switzerland, Tunisia, Turkey, United Kingdom, United States of America, Yugoslavia.

113. The agreements concluded with countries members of the European Community are of very relative importance today because Community regulations replace them within the limits of their sphere of application.

114. Further information on the social security mechanisms in Belgium are given in the annexes to the report.

Article 10

Protection of the family

115. Belgium has ratified the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and ILO Convention No. 131.

116. The family is the fundamental unit of Belgian society. Accordingly, all the elements of the State are structured and organized in response to the sociological evolution of the family.

117. Belgian family law is covered by Book 1 of the Civil Code. The two reports submitted by Belgium under the International Covenant on Civil and

Political Rights (CCPR/C/31/Add.3, dated 9 March 1988 and CCPR/C/57/Add.3, dated 20 August 1991) contain a wealth of details on the legal measures adopted in respect of families.

118. For overall policy reasons, Belgium continues to favour the traditional family comprising two parents and their children; this basic core preserves close links with ascendants, descendants and collateral relatives up to the third degree.

119. That does not, however, mean that the de facto family is marginalized. This non-institutional structure nowadays enjoys equal or similar rights to those of couples conventionally linked by the bonds of marriage. Thus the couple are assimilated to spouses by the Act of 7 August 1974 on the right to subsistence and by the Act of 8 July 1976 on welfare assistance.

120. Contracting matrimony is a relatively simple matter in Belgium. By the adoption of the Act of 19 January 1990 fixing the age of legal majority at 18, Parliament also lowered to the same age the age at which a young person can contract marriage without the consent of his or her parents or close relatives, unless he or she is affected by insanity or mental backwardness duly certified by a court.

121. Young people who wish to marry earlier must first of all obtain a dispensation from the Juvenile Court and the consent of both parents. The Court rules on any abusive or unfounded refusal of consent.

122. Belgian law stipulates that matrimony may only be entered into by mutual consent of both spouses. By putting an end to a wife's legal subordination to her husband, the Act of 14 July 1976 established complete equality of spouses under Belgian law as regards their rights and duties within marriage.

123. This legislation thus extended to women the right to enter in their sole name into a lease for the family's main residence, to exercise the occupation of their choice, to receive income in their own name, to open bank accounts, and so on.

124. Young people setting up home with limited means are covered by numerous legal provisions designed to facilitate their installation in decent housing and even to permit them to become home-owners. Poor married couples and unmarried couples are entitled to welfare and sufficient means to live a life that befits their dignity as human beings. Public welfare centres are responsible for providing them, within the limits set by law, with housing, furniture, heating, food, money, psychosocial guidance, employment, occupational training and so forth. Once the family is established and housed, in principle it meets its own needs and the State does not provide a marriage allowance.

125. Persons living alone as a result of separation or divorce may obtain from various forms of alimony from the courts, both for themselves and their children, which are paid by the person from whom alimony is due. When payers fail to fulfil their obligations, the most needy may seek support from public welfare centres.

126. Belgium pursues a policy designed to benefit children. In addition to prenatal and postnatal measures, support is provided for child reception facilities, child care, early learning and child welfare. Periods of leave and career breaks allow working parents to devote part of their time to caring for their children.

Maternity protection

127. As mentioned above, a highly sophisticated compulsory health insurance system has been developed. Reimbursement of expenses connected with childbirth, medical consultations and prescriptions is provided through a range of insurance institutions. Public welfare centres are required to affiliate uninsured destitute persons to these institutions.

128. In 1919 the mission of protecting mothers and small children was entrusted to a semi-State agency, l'Oeuvre nationale de l'enfance (National Children's Foundation). At the time of the 1980 State reform, responsibility for matters directly connected with individual, family and local group welfare was vested in the communities. The three Belgian communities have set up their own structures: the Flemish Community has Kind en Gezin (Child and Family), the French Community has l'Office de la naissance et de l'enfance (Office for Maternity and Childhood), and these two cooperate with the German-speaking bodies known as Dienst für Mutter und Kind (Mother and Child Service).

129. These structures have the following tasks:

To promote and develop mother and child protection, particularly for those at risk;

To approve, subsidize and where necessary set up foundations, institutions and services, to exercise administrative and technical control over these bodies and to provide them with assistance and advice;

To support preventive and educational measures;

To give their views on all matters connected with mother and child protection;

To organize care and supervision for young children being fostered outside their family environment;

To train and inform interested parties and in particular parents.

130. A dense network of crèches and play schools has been set up in all parts of the country. In Flanders, for example Kind en Gezin has set up day and night child-care centres for future mothers and the mothers of children up to the age of six who are unable to solve their psychological, physical and social problems on their own. Crèches, which are open during the day and at night, accommodate children from birth until the age of three who, for family, social-cum-medical or legal reasons are placed there for short stays. Nurseries accommodate, under the same conditions, children between 2 and 14

with pre- or post-curative problems in areas such as growth, puberty, relationships and sudden or gradual family stresses that give rise to difficulties for both children and their families.

131. Mothers who are employees are entitled to prenatal leave, which may be deferred until the newborn enters home. Maternity leave comprises eight weeks compulsory postnatal leave and a maximum of six weeks prenatal leave. Maternity leave is subject to the same regulations in both the public and the private sectors. In the public sector, parental leave consists of a maximum of three months' leave for both father and mother when a child is born. This unpaid leave, which must be taken in the year following the birth, counts as service and is often used by women to nurse their children.

132. Persons entitled to social welfare benefits receive maternity benefit during their maternity leave. The system standardizes the position of female salary- and wage-earners by guaranteeing the same benefit from the first month. During the first 30 days of maternity leave, persons entitled to welfare and having a contract of employment receive a benefit of 82 per cent of the gross pay they have foregone, with no upper limit. From the thirty-first day, the benefit is 75 per cent of gross pay not exceeding 3,095 francs per day under the Act of 9 January 1990. Measures have also been introduced to provide tax relief for the cost of care for young children.

133. The law at present makes no provision for nursing leave in the private sector. Accordingly, unpaid leave of this kind can only be granted by virtue of an individual or collective agreement. However, a Royal Order assimilates an employee nursing her child to a person on sick leave up to the fifth month. This Order only concerns female employees performing jobs classified as dangerous or that represent a danger to their health or that of the child.

134. In the private sector leave to bring up children is regulated by collective agreement. Several joint committees have incorporated into their agreements the right to long-term leave in the form of either extended maternity leave or parental leave. In the public sector, leave to bring up children takes the form of unpaid leave which an employee may take to look after his own children. Its maximum length is four years and it ends in any event when the child reaches the age of five. If the child is handicapped, the leave is extended to six years and ends when the child reaches the age of eight.

135. Pursuant to an order of the Flemish Executive, the organization Kind en Gezin finances several centres for child abuse. The aim of the centres is to provide specialized assistance to care workers who meet this type of problem in the course of their duties, to coordinate support for families concerned, and to develop awareness among and mobilize care workers, the teaching profession and the public in order to keep touch of this phenomenon effectively.

136. As regards the prevention of drug dependence, various projects have been implemented by organizations specialized in combating alcoholism and drug and tobacco dependence and the authorities finance the numerous activities programmed in this area.

Protection of young workers

137. The Act of 16 March 1971 on youth employment prohibits the employment of young people below school-leaving age or in jobs unconnected with their education or training.

138. For young workers, the working day is limited to 10 hours. They may not work overtime, except as specified by law and subject to notification of the fact to the welfare law inspectorate and to grant of compensatory rest time. Young workers may not work uninterrupted for more than four and a half hours and they must be given at least 12 consecutive hours' rest between stopping and resuming work.

139. Night work between 8 p.m. and 6 a.m. is prohibited. However, in the case of young people aged over 16 engaged in jobs whose nature prevents their performance from being interrupted or postponed, the period of prohibition is between 10 p.m. and 5 a.m. or between 11 p.m. and 6 a.m. All young workers may take part until 11 p.m. as actors or supernumeraries in cultural, scientific, educational or artistic events and in filming and recording for cinema, radio and television.

140. Young workers may not be employed on Sundays or on public holidays except to deal with an accident or imminent danger, on urgent work on machines and equipment, on work required by unforeseen circumstances and in those sectors of activity, enterprises or occupations in which Sunday work is authorized by Royal Order. In no case may the young people concerned work more than one Sunday out of two, except by special authorization from the welfare law inspectorate.

141. Young workers may not perform tasks beyond their strength or that threaten their health or morals, or underground work in mines, open cast mines and quarries. Prohibitions or restrictions also apply to other forms of underground work, dangerous or unhealthy work and paid employment under a professional sporting contract.

142. It should be noted that in the Flemish part of Belgium, for example, advisory centres have been set up for young people. These centres cater for young people under the age of 25 and offer preventive services and assistance
143to help deal with problems of insecure living conditions and relational difficulties.

Article 11

An adequate standard of living and housing

143. Belgium nowadays possesses a broad legal edifice that reflects and guarantees the right to dignity of the person (the right to welfare and subsistence).

144. This edifice is regulated by the Act of 8 July 1976 which established public welfare centres and complemented the subsistence regime instituted by

the Act of 7 August 1974. The two forms of benefit (welfare and subsistence ("minimex")) are provided at the local level by the public welfare centre (CPAS) in each commune in the country.

145. Article 1 of the Act of 8 July 1976 stipulates as follows: "Everyone is entitled to social welfare. The aim of social welfare is to permit everyone to live in a manner befitting the dignity of the human person." There are two cornerstones to this article: the universal scope of the right to welfare and the explicit reference to human dignity. In order to claim this right, no criterion of nationality or race applies.

146. The task of the CPAS is to provide individuals and families with the assistance due from the local community. The centre not only provides palliative or curative help but also preventive assistance. The help provided is of a general nature and may take the form of material assistance (for example, straightforward financial aid) or social, medical, medical-cum-social or legal assistance. Individual welfare aid may also take forms other than those provided for by the Act. Anyone in Belgium may therefore receive assistance in line with his needs, either automatically or on request.

147. For instance, welfare aid may take the following forms:

Financial assistance or temporary assistance in the form of cash advances to a person who has requested, but not yet received, another welfare benefit, or whose income is temporarily unavailable;

Money to meet the cost of items such as heating;

A financial contribution to the cost of hospitalization;

A housing grant;

Assistance in kind to meet specific material needs;

Appropriate legal aid so that the person concerned may claim all the rights and benefits to which he is entitled;

Psychosocial guidance to help in overcoming problems;

Affiliation to an insurance institution;

Measures to provide employment for a person who needs to prove having worked for a certain time in order to be fully entitled to certain welfare allowances.

148. The welfare provided by the CPAS is not necessarily occasional; it may be provided over a long period depending on the beneficiary's exact needs.

149. Under article 71 of the Act, everyone has the right to appeal against a decision concerning his or her individual support taken by a public welfare centre. Right of appeal is exercised before the provincial appeal courts sitting as administrative courts, and they are required to substantiate their decisions. Thus the right to welfare is binding.

150. As welfare is not restricted to Belgians, the Act excludes any requirement as to the existence and duration of residence in Belgium. The only consideration is the presence of a destitute person in Belgium, regardless of whether he or she has the status of a resident. The universality of the terms of the Act makes it impossible to restrict welfare to foreigners who are duly registered in a municipal population or aliens' register, and ensures that the requirement of lawful residence in Belgian territory may in no case constitute a sine qua non.

Subsistence

151. The principle of a guaranteed minimum income was established in Belgium by the Act of 7 August 1974. At the time, this Act was considered as the finishing touch to the Belgian social security system. It constitutes an authentic subjective right which is comparable to welfare benefit rights. Right of appeal against a decision of a CPAS is exercised before a court, in this instance the labour court.

152. The right to subsistence was conceived as a residual right and is designed in principle to guarantee a minimum income to those sections of the population excluded from the social security systems, for example because they do not work at all or not regularly enough.

153. Under the 1974 Act, anyone who has reached the age of majority is entitled to subsistence provided he or she actually resides in Belgium, does not have sufficient means of subsistence and is not capable of obtaining them. This right extends to minors emancipated by marriage and to single persons who have one or more dependent children. In addition to proving that he or she is destitute, the applicant must demonstrate his or her willingness to work, unless this is impossible for reasons of health or fairness.

154. Anyone who customarily and permanently lives in Belgian territory is considered as being actually resident in Belgium.

155. Broken families, the large number of alimony debts and failure to implement judicial decisions all constitute factors that contribute to poverty and social exclusion. The Government of Belgium believes that the CPAS is the best means of dealing with the problems of persons to whom alimony is due.

156. Anyone who satisfies the legal requirements is entitled to cash advances from a CPAS against unpaid alimony as well as to assistance from the centre in recovering outstanding payments.

157. The purpose of the Act is to permit regular payment of the alimony due to children when the debtor has failed for some time to make the payment due from him.

158. Basic subsistence payments are linked to the consumer price index. They vary in accordance with the provisions of the Act of 2 August 1971, which establishes a linkage between the consumer price index, salaries, wages, pensions, allowances and subsidies paid by the Treasury, certain welfare

payments, income ceilings to be taken into account in calculating various social security contributions by workers as well as the welfare obligations applicable to self-employed workers.

159. In addition, regardless of the index, subsistence allowances are regularly increased by a certain percentage.

The right to housing

160. The inviolability of the home and of privacy and the family is governed by article 17 of the International Covenant on Civil and Political Rights. The legal provisions that apply in Belgium are dealt with in the relevant report by Belgium (CCPR/C/31/Add.3, paras. 247 to 259).

161. Since the end of the First World War Belgium's housing policy has focused particular attention on low-cost public housing so as to assist the poorest sections of the population. It has also encouraged improvement of the housing stock and has sought to promote home ownership. Responsibility for implementing this policy was vested in two public-sector housing corporations, the Société Nationale du Logement (National Housing Corporation) and the Société Nationale Terrienne (National Land Corporation) which were authorized to establish and approve and fund other public-sector property corporations.

162. The State reform entrusted responsibility for housing policy to the Regions. The Vlaamse Huisvestingsmaatschappij (Flemish Housing Corporation) and the Société Régionale Wallonne du Logement (Walloon Regional Housing Corporation) replaced the national corporations. Only policy on private leases and on the right to home ownership are the responsibility of the national authorities.

163. The actual housing situation varies from one region to another although it is possible to discern common policy trends. On account of the complexity of the subject we shall limit ourselves to a brief description of a number of significant features.

The Flemish Region

164. Virtually all the housing policy measures adopted in this region apply without distinction to Belgians and foreigners. No nationality requirement or length-of-residence requirement applies to the system of subsidies and benefits or to the low-cost public housing rental sector. This means that both foreigners and Belgians may:

Receive subsidies for the construction, purchase or renovation of housing located within or outside a classified rehabilitation area;

Obtain low-interest loans;

Purchase low-cost or medium-sized building plots;

Obtain removal, installation and housing allowances;

Rent low-cost public housing.

165. The policy of the Flemish Executive places particular emphasis on housing for "groups at risk". These groups are those most dependent on the benefits of housing policy measures, either on account of their low income or because of their specific housing needs (the elderly, the handicapped, large families).

166. In absolute terms, investment programmes (1989-1990) declined considerably as a result of inadequate funding, and according to experts there is a great shortage of housing that matches the size of families and the specific needs of foreigners.

167. In addition, it would appear that low-cost public rental housing is not solely occupied by persons from the lowest income categories. Various studies have also revealed that the poorest families do not in general rent low-cost public housing.

168. In 1989, the number of housing loans granted to foreign families accounted for 18.10 per cent of the total number of loans granted, whereas according to the available statistics the foreign population accounted only for 4.16 per cent of the total population of the Flemish Region. In each of the Region's provinces, loans to foreign families are heavily concentrated in a number of major urban centres. Generally speaking, the housing stock no longer seems to match either the Flemish population structure or that of migrant families. The Flemish population comprises a large number of retired persons and single-parent families, while the migrant population is very often composed of large families. The Flemish Executive has adopted a range of measures designed to encourage moves towards integration in the field of housing.

169. The Flemish Executive currently grants four types of subsidy:

A housing subsidy;

An urban and rural renovation subsidy;

A removal and installation allowance;

A purchase subsidy in areas where there is a manifest shortage of housing.

170. The existing systems of subsidy focus on the purchase of homes and housing and indirectly stimulate the building sector.

<u>The Brussels Region</u>

171. This region faces specific problems. Low-cost public housing accounts for 8.2 per cent of the total housing stock in Brussels and approximately three quarters of the population of Brussels is entitled to apply for housing of that kind.

172. As far as the private market is concerned, in recent years there has been a marked rise in housing prices and rents, particularly as a result of Brussels' function as the European capital at a time when the supply of housing has been declining. A specific feature of this region is the large number of tenants (68 per cent in the 1981 census), although this figure has fallen slightly in recent years (to an estimated 60 per cent).

173. For budgetary reasons, credits granted to housing associations have been reduced. Approximately 44.5 per cent of the total habitable surface in the region needs to be renovated and approximately 10 per cent of the available surface requires costly renovation. The renovation affects the oldest urbanized communes, although with considerable variations.

174. The enactments promulgated by the Brussels' Regional Executive concerning the award of subsidies for housing renovation, the first of which benefited individuals and the second associations working in the field of rehabilitation through housing, should make it possible to attain the fundamental objection of urban renewal by means of proper targeting.

175. Tenants' associations are actively employed in efforts, mostly involving foreigners, to rehouse the poor in Brussels' communes under better conditions.

The Walloon Region

176. Social housing policy in the Walloon Region provides various forms of support to people with low incomes or whose income is at subsistence level.

177. The region provides home ownership incentives in the form of construction and purchase subsidies and low-interest mortgages. In 1989 one loan out of five was granted to foreign families at a time when the foreign population made up 11.3 per cent of the Region's total population.

178. The 133 approved housing associations altogether own 98,000 dwellings. Almost 30 per cent of tenants in the Walloon Region with an income of less than 550,000 francs live in low-cost public housing. Despite the terms on which construction of low-cost public housing is financed (loans repayable over 66 years at a rate of 2.5 per cent) many associations have a deficit. The reasons are either the way the associations are managed, the commune's tax system, the age of the housing stock or the drop in the average income of tenants. Rationalization plans have been introduced in order to deal with the situation.

179. In the private sector, assistance from the Region takes the form of "removal-installation-rent allowances" which are paid to tenants who leave unsanitary or unsuitable housing for housing more suited to proper living conditions.

180. There are 1,300,000 dwellings in the Walloon Region, 107,000 of which are considered unhealthy and beyond improvement and 630,000 as requiring rehabilitation. Housing in rural areas is even more seriously affected (70 per cent is unhealthy as against 30 per cent in rural areas, according to 1988 sources).

181. In April 1993 the National Minister for Social Integration decided to authorize burgomasters (with political responsibility for communal management) to requisition abandoned buildings under certain conditions in order to house the homeless.

182. This decision is part of the far vaster project to combat poverty being implemented by the federal Government under the title of the "Programme for a more caring society". The programme contains a range of measures designed to help public welfare centres to break the vicious circle which leaves 6 per cent of Belgium's population in poverty and 20 per cent in a state of disturbing vulnerability. A sum of 1 billion francs has been earmarked for the programme.

183. The ability of burgomasters to requisition abandoned buildings for the homeless is subject to a set of strict conditions in order to avert arbitrary action and protect property rights. Dwellings that have manifestly been unoccupied for over six months are classified as abandoned buildings. Buildings for which one or more persons are registered or have been recorded by the census as owners of a secondary home are presumed to be occupied. Buildings covered by a lease giving rise to effective occupation or in which work is under way or whose owners demonstrate their intention to carry out renovation work, or which are unoccupied for legitimate reasons or reasons beyond the owner's or lessee's control, are not treated as abandoned.

184. No application for requisition is entertainable if the commune processes sufficient unoccupied buildings which can be used to provide housing. The requisition must take place within six months following notification and the owner of the building concerned has a month to object. If his objections are accepted, the burgomaster must abandon the requisition; otherwise, he serves notice of his decision to exercise the right of requisition.

185. The notice specifies the purpose and duration of the requisition and specifies the right to due compensation. The duration of the occupation is specified in an agreement between the parties or determined by the magistrate at the owner's request. The amount of compensation must correspond to the amount of rental income, calculated on the basis of various factors. This decision has to be seen against a background in which, according to forecasts, in 1995 vacant dwellings will make up approximately 2.5 per cent of the housing stock in the Flemish Region (55,500 units), 3.5 per cent in the Walloon Region (47,600 units) and 7.5 per cent in the Brussels Region (33,160 units).

Article 12

Health in general

186. Matters relating to health policy are the responsibility of the Belgian Communities. The Communities deal with health education and preventive medicine with the exception of national prevention campaigns.

187. The Communities are also responsible for policy on the provision of care in and outside health institutions, with the exception of those areas which are of federal responsibility and relate to:

- Organizational legislation on hospital and health establishment policy;
- Operational financing, when regulated by organizational legislation;
- Invalidity and sickness insurance;
- Basic programming regulations;
- Basic regulations on infrastructure financing;
- National standards on health approvals;
- Determining the requirements for and designation of teaching hospitals.

188. The statistical data and the various indicators of overall health policy which are required in connection with this article of the Covenant in accordance with the recommendations of the Manual on Human Rights Reporting (HR/PUB/91/1) will be provided in detail in the annexes to this report.

189. The figures available for 1989 indicated that the life expectancy of women was 78.4 years and that of men 71.8. For the same period the infant mortality rate was 2.8 per 100,000 live births and the mortality rate 5.5 per 100,000 births; these figures are close to the average for the countries of the European Community.

190. Studies of the elderly have been carried out in hospitals and local communities. One such study carried out by the Centre d'études de la population et de la famille (Centre for Population and Family Studies) indicated that in the Flemish Community 61 per cent of the population aged over 65 considered themselves to be in good or very good health, while 16 per cent considered their state of health to be satisfactory. Surveys have also been carried out of people's ability to perform day-to-day tasks in order to determine the degree of functional dependence of the elderly.

191. In hospitals, the introduction of a minimal database on nursing care has made it possible to compare dependency levels among various establishments.

192. Isolated cases of diphtheria, tetanus and poliomyelitis were detected in Belgium in the 1980s. In the same period the incidence of hepatitis would appear to have fallen from 6.8 new cases per 100,000 people in 1980 to less than 1.5 in 1990.

193. The AIDS index rose from 0.3 per million inhabitants in 1981 to 17.9 in 1990. In 1991 a cumulative total of 896 cases, most of whom were non-residents, was recorded.

194. Data obtained in 1989 reveal a moderate proportion of smokers among Belgium's population in comparison with other European countries. Cigarette consumption has fallen sharply in recent years. In 1990 a rule prohibiting smoking in certain public places came into force.

195. Fat consumption, higher than the European average, has declined since 1987. Alcohol consumption fell slightly in the 1980s to approximately 10 litres of pure alcohol per person in 1988 and 1989. The consumer trend has been to drink less beer and spirits and more wine.

196. Surveys of drug addiction have been carried out, particularly among schoolchildren. A study conducted in western Flanders found that 4.3 per cent of the young people surveyed took or had taken drugs. The number of arrests for drug use and the number of overdoses recorded by the police more than doubled between 1985 and 1989.

School medical inspectorate

197. The school medical inspectorate is regulated by the Act of 21 March 1964, article 1 of which stipulates that it is compulsory in all full-time schools (with the exception of universities). Where pupils are concerned, the inspectorate is responsible for detecting physical and mental deficiencies and communicable diseases; in the case of staff, it is responsible for detecting possible sources of infection and for implementing preventive measures to avert the spread of communicable diseases among pupils and staff. Since 1980 the inspectorate has focused on developing health education programmes and on early detection of sensory problems and learning difficulties.

198. The school medical inspectorate helps to draw up statistics on pupils' health and to improve the hygiene and salubrity of buildings, premises and school equipment. The inspectorate is run by approved teams, which must consist of a doctor specialized in school medicine or in paediatrics, a nurse and a person trained in social work. The inspectorate also performs a number of more specific tasks:

(a) Promoting the healthy development of children through a selective medical examination which may be requested by the school doctor, teacher, parents or the child himself, and which involves:

Early and thorough testing for sensorial problems in kindergarten (mandatory testing);

Testing for likely learning problems at the age of five before compulsory schooling (non-mandatory testing).

(b) Ensuring the prevention of communicable diseases by the following means:

Implementing the antituberculosis strategy;

Monitoring vaccination coverage and encouraging vaccination:

On entry to primary school against measles, german measles and mumps (triple vaccine);

Of girls aged 11 and 12 against german measles;

Against hepatitis B in nursing schools;

Of contacts in cases of A or C serotype bacterial meningitis.

199. Primary health care is funded by a social security system based on the principle of burden-sharing. Hospitals receive government subsidies in accordance with health planning objectives and each hospital is allotted an annual budget covering general expenditure, with the exception of medical activity itself which is paid for directly.

200. The State covers approximately 80 per cent of the health expenditure of widows, the handicapped, pensioners and orphans and meets 25 per cent of daily hospitalization fees.

201. Individuals are free to choose their health insurer and may pay premiums to receive additional benefits.

202. Persons not covered by health insurance legislation get their health care financed by the social welfare centres run by the communes. The number of health service employees in Belgium is higher than the European average.

203. As regards access to health services, the average time necessary to contact a general practitioner varies from 5 to 15 minutes. Surgery hours take up a considerable amount of time (from 15 to 20 hours per week). A countrywide system ensures that doctors and pharmacists are always available. The medical and nursing network in the broad sense is extremely dense.

Health and the environment

204. As regards the environment, the Regions are competent in regard to:

Environmental protection, which includes overall and sectoral standards, in conformity with the overall and sectoral standards fixed by the national authorities in the absence of European standards;

Waste policy, with the exception of the import, transit and export of radioactive waste;

Policing of facilities which are dangerous, unhealthy or noxious, subject to internal policing measures relating to safety at work.

205. As Belgium borders on several other European countries, environmental protection against pollution and other nuisances partly depends on transboundary agreements to combat air and water pollution.

206. The importance of international cooperation in combating air pollution is illustrated by, inter alia, the Act of 29 December 1988 approving the Montreal Protocol on Substances that Deplete the Ozone Layer. This Act incorporates international guidelines into Belgian legislation.

207. The Act of 14 July 1987 approving the Convention on Long-Range Transboundary Air Pollution is a further example of Belgium's interest in international cooperation in this sphere.

208. Belgian legislation on water pollution takes into account the relevant international guidelines.

209. The Act of 21 January 1987 on major accident hazards in certain industries also makes reference to international guidelines. The Act is intended to complete the implementation of the relevant Directive dated 24 June 1982 of the Council of the European Communities and stresses the importance of information activities.

210. The Act of 9 July 1984 on waste import, export and transit is designed to protect the health of individuals, safeguard the environment against the undesirable or harmful consequences of the import, export or transit of waste, and implement the relevant European Community directives on waste. The directives make provision for a system to monitor transfers so as to ensure that waste is under surveillance until it is finally destroyed.

211. For all exports and transit to a State that does not apply the European provisions, Belgium requires precise and detailed information on the shipment and the consent of the consignees. In the absence of full guarantees concerning the rational and ecological disposal of the waste, the competent Minister may prohibit its transit through customs.

212. The regional authorities have wide responsibilities in regard to cross-border waste transfer. The national authority is required to transmit to them the information in its possession and to act on the views and objections expressed by the regional authorities. A draft agreement between the Government and the regional Executives specifies mutual obligations and the procedure for consultation and permanent exchange of information.

213. The following measures have been adopted in respect of waste disposal at sea:

A prohibition on the disposal of titanium dioxide;

A prohibition on incineration after 31 December 1994 and interim restrictions;

Closer monitoring of dangerous substances carried in territorial waters.

214. In principle radioactive substances and equipment may only be imported and exported by individuals or firms with a licence, which is issued for a limited period.

215. Belgian legislation is based mainly on international regulations in regard to the transport of dangerous substances by rail, road, air and sea.

Control and monitoring arrangements

216. In Flanders, the Decree of 28 June 1985 relating to pollution control authorization specifies under what circumstances an environmental impact assessment is required.

217. In Wallonia, the Decree of 11 September 1985 on the same topic is designed, inter alia, to ensure the rational management of the environment and natural resources.

218. In Brussels, the Royal Crder of 8 March 1989 established the Brussels Institute for Environmental Management, which performs a broad range of tasks in this field.

219. The National Radioactive Waste and Fuel Institute is responsible for managing the storage of radioactive waste and for problems of radioactive waste disposal and transport.

220. The Interministerial Commission on Nuclear Safety is charged with examining ways and means of protecting workers and the population from risks inherent in activities connected with the use, handling, transport and storage of radioactive materials both within and outside nuclear facilities.

221. In December 1986 the Government decided to set up an automatic radioactivity monitoring network. This network is designed to set off an alarm automatically when the tolerance level is reached; continuous assessment takes place of the risk of irradiation to the population. Furthermore, measures have been adopted to provide the population with more information on the subject.

222. The Act on major accident hazards in certain industries stipulates that, before starting up a new industrial activity, a manufacturer must notify the minister responsible for the environment. All the data collected is transmitted to the minister responsible for employment and labour and to the President of the Executive for the region in which the industry concerned is located. Whenever a major accident occurs in an industry, the manufacturer is required to inform the communal authorities and the minister responsible for civil defence immediately. The latter informs all the authorities concerned.

223. The criteria for determining those areas of Belgian territory likely to be affected by a major accident are laid down by the Crown by Order in Council after consultation with the regional Executives.

224. The Minister of the Environment is responsible for determining, on the basis of scientific criteria and the details given in the notification, which areas are likely to be affected by a major accident.

225. The Minister of Employment and Labour is responsible for ensuring that the manufacturer has taken proper steps to prevent accidents and provide means of limiting their impact on human life.

226. On a proposal by the ministers responsible for employment and labour, civil defence and the environment, under the coordination of the last-named and after consultation with the regional Executives, the Crown may lay down overall or sectoral regulations designed to prevent major accidents and make provision for means of limiting their consequences.

227. Various laws have been promulgated to protect the population from exposure to dangerous substances such as chlorofluorocarbons, preparations or substances containing polychlorobiphenyl and polychlorinated terphenyl, asbestos, etc.

Food safety

228. Basic legislation in this sphere is contained in the Act of 24 January on the protection of consumer health in respect of food and other products. Other more recent measures have been adopted through various Royal Orders such as the following:

The Royal Order of 18 November 1977 stipulating that foodstuffs or composite products not intended for direct supply to consumers but for incorporation into products by foodstuff users may contain only specified additives in amounts determined by the Order;

The Royal Order of 24 January 1990 prescribing authorized flavourings for foodstuffs, which harmonizes the relevant Belgian legislation with European Community directives;

The Royal Order of 5 December 1988 fixing authorized maximum residual levels for pesticides on or in foodstuffs;

The Royal Order of 15 February 1989 fixing the maximum nitrate content of certain vegetables;

The Royal Order of 25 April 1990 on the marketing of nutrients and of foodstuffs containing nutrients.

229. A series of measures on food safety have been adopted in Belgium. The Ministry of Public Health and the Environment and the Ministries of Agriculture and of the Economy have functions in this sphere. Domestic legislation takes into account the relevant European directives.

230. The foodstuffs inspectorate supervises both the manufacture and preparation of foodstuffs and the sale of cosmetics, tobacco, detergents and other household products; it is also concerned with individual hygiene and the hygiene of premises in the food sector.

231. The Veterinary Supervisory Institute is responsible for sanitary investigation, inspection and monitoring of foodstuffs of animal origin.

232. The Institute of Hygiene and Epidemiology is responsible for bacteriological control of foodstuffs, for ensuring they conform to standards and for testing the additives, contaminants and residues which they contain.

Articles 13 and 14

Education

1. Constitutional basis of educational policy

233. Until 31 December 1988 Belgian education basically fell within the competence of two national ministries of the central Government, one for the Dutch-speaking sector and the other for the French-speaking sector.

234. From 1 January 1989, following the revision of the Constitution and within the framework of State reform, teaching responsibilities were transferred to the Communities. Since then, education has no longer been organized or subsidized by the central Government; this is the task of each of the three Communities - the Flemish, the French and the German-speaking.

235. Only three subjects, which are referred to in article 59 bis of the Constitution, remain national matters:

Fixing the beginning and end of compulsory education;

Minimal conditions for issuing diplomas;

The pensions system.

236. Moreover, the following safeguards have been inserted into the Constitution (art. 17):

Free education until the end of compulsory schooling;

Equitable treatment of all educational institutions;

Neutrality of the education organized by the Communities;

Right to a moral or religious education until the end of compulsory schooling.

The inclusion in the Constitution of the major principles of the Schools Agreements of 1958 and 1973 means that article 17 has become one of its key articles:

"Education is free; any restrictive measure is prohibited; offences are punished solely by law or by decree. The Community ensures free choice by parents. The Community organizes an education which is impartial.

Impartiality implies respect for the philosophical, ideological or religious ideas of parents and pupils."

Hence schools seek, generally speaking successfully, to prepare young people for a full life, active integration into a democratic and multicultural society and voluntary participation in the collective well-being through competence in their work; to work in close collaboration with families, local communities, the various social and cultural institutions and the working

world; and to offer young people varied curricula while permitting them to become responsible for their own learning as well as to participate in the life of the institution and prepare themselves for further education.

The principle of coeducation

237. The Economic Reorientation Act of 4 August 1978 contains provisions on equality of treatment for men and women in conditions of work and access to employment and in training and professional advancement. The Act implemented the EEC directive of 9 February 1976.

238. The Royal Order of 29 June 1983 implements article 124 of the Act of 4 August 1978 and specifies that vocational guidance and training means every kind of training or streaming which leads to the award of a vocational qualification certificate.

239. Those schools which remain non-coeducational have a period in which to comply with the obligation to accept boys and girls without discrimination. Coeducation has become the rule in education organized by the Communities and by other public authorities. In education which is subsidized by the Communities, especially denominational education, a number of non-coeducational schools still exist, mainly in primary, technical and vocational education. However, the density of the school system is such that this situation entails no discrimination in regard to opportunities for study.

Psychosocial-cum-medical centres

240. These centres have the function of providing guidance in the following fields for the benefit of pupils receiving kindergarten, primary, full-time secondary or specialized education who fall within the scope of their activities:

> Optimizing the psychological, psychoeducational, medical, paramedical and social situation of the pupil and his immediate educational surroundings in order to offer him the best chances for the harmonious development of his personality and his individual and social well-being;
>
> Providing pupils, persons exercising parental rights, school authorities and all those who participate directly in the process of educating and teaching the pupils concerned, with information and advice on possibilities of schooling and career with a view to facilitating individual choices;
>
> Holding interdisciplinary examinations and preparing the enrolment report required for admittance to the appropriate type of specialized education.

The centres can provide anyone, on request, with information or advice on studies, training and careers.

Description of the school system

241. The Act of 29 June 1983 prescribes compulsory education for 12 years for children between 6 and 18 years of age. Full-time compulsory education lasts

until the age of 15 and comprises a maximum of seven years' secondary schooling. This period of compulsory full-time education is followed by a period of compulsory part-time education or recognized training.

242. Preschool education is very widespread (two to six years of age). Primary education begins at six and lasts for six years (three cycles of two years). The principal subjects taught are the mother tongue and mathematics. At the end of their primary schooling, pupils sit the examination for the certificat elémentaire de base (CEB, certificate of primary education), which is a prerequisite for entering secondary education.

243. Secondary education consists of three stages of two years each: a period of observation, a period of guidance and a period of consolidation. At the end of their secondary studies pupils sit the examination for the diplôme d'aptitude à l'enseignement supérieur (DAES, general certificate of education).

244. Higher education includes university education, the aim of which is "the preservation, dissemination and advance of knowledge". Education and research are closely related in this objective.

245. Non-university higher education is designed to disseminate scientific knowledge and its uses in various walks of life: there are higher studies in engineering, economics, agriculture, paramedical subjects, the social sciences, the artistic field, teaching and maritime affairs.

246. Higher education is organized in cycles and years of studies.

247. To be admitted to non-university, short-term higher education, the certificat homologué de l'enseignement secondaire supérieur (CESS, certificate of recognized higher secondary education) is the only requirement. To be admitted to university and long-term non-university higher education, the candidate must have obtained the CESS (general or technical) and the diplôme d'aptitude à accéder à l'enseignement supérieur (DAES, general certificate of education) issued by a secondary educational institution (general or technical) and validated by the Recognitions Board or by the State examinations board for higher secondary education.

248. There are also special conditions for admission to certain studies.

249. In addition to the traditional education described above, the following exist:

Special teaching for disabled persons from 3 to 21 years of age, organized at the preschool, primary and secondary levels;

Teaching aimed at social and socio-cultural advancement, meant in the main for young people and adults who have left the educational system and feel the need to acquire new qualifications or bring their skills up to date, or else to obtain a qualification which they did not achieve during their schooling, or simply to make the best of an aptitude they possess or to develop an interest which they have discovered in themselves.

250. This kind of teaching is organized at the secondary and higher levels. Since the extension of compulsory schooling, it has also been open to young people aged between 15 and 16 who have terminated their full-time compulsory schooling and wish to enter employment as soon as possible.

State Examinations Board

251. The Royal Order of 6 November 1987 on the organization of the State examinations board for secondary education altered the regulations on this subject from 1988 onwards. The change is particularly designed to allow pupils in vocational secondary education to be examined by the State Examinations Board, from the first 1988 examination period onwards, in order to obtain the certificat d'enseignement secondaire inférieur (lower secondary education certificate) and the certificat d'enseignement secondaire supérieur (higher secondary education certificate). To obtain the latter, candidates are examined in technical subjects and practical skills taught in the fifth and sixth years in vocational secondary education and in general subjects taught in its sixth and seventh years.

Intercultural relations

252. Within the overall allocation of teaching hours, school authorities enjoy a large degree of flexibility in facilitating the integration of migrant pupils, for instance, providing intensive courses for them in the language of the Community in which they live.

253. In the Flemish Community, schools located in areas with a high concentration of foreigners have certain induction facilities for migrant pupils. A ministerial circular of 24 November 1984 created the possibility of a modified programme in class 1B. This programme, in which intercultural activities are included, can be taught when there are at least 10 migrant children.

254. In the State Dutch-speaking educational system, the weekly timetable can be as follows:

Pupil's culture and religion	2 periods
Dutch	8 "
French	2 "
Language of migrant	2 "
Mathematics	5 "
Social environment	4 "
Handicrafts	2 "
Physical education	2 "
Technical activities	4 "

255. In the extension phase of the EEC pilot project in primary education in Limbourg, a similar project was introduced in the 1983-1984 academic year in five secondary schools. Migrant children of Italian, Moroccan and Turkish

nationality receive part of their education in their own language and against the background of their own culture. To support this project, a number of supply teachers have been made available on a full-time or part-time basis.

256. An awareness campaign was begun in the 1987-1988 academic year with a view to extending the project to secondary educational establishments in other Dutch-speaking areas.

257. A similar project was set up in French-speaking secondary schools distributed in large cities. This project concerns pupils of Italian, Spanish and Moroccan nationality.

258. Further information on this topic can be found in the Belgian report drawn up in 1992 as part of the review of the implementation of the Convention on the Elimination of All Forms of Racial Discrimination. Detailed information on education policy in Belgium can be found in the annexes to this report.

Article 15

Cultural policies and scientific research

(a) Cultural policies

259. It is difficult to deal in a few paragraphs with the issues involved in culture because of the very complexity of the concept. The following remarks concentrate on the general principles which are formulated and implemented within the framework of the country's cultural policies.

260. Cultural policies fall exclusively within the competence of the Communities. Common strategies can be discerned in this area, though different traits underline the specificity of each of them.

261. In general, the Communities seek to promote cultural democracy, which implies, on a basis of total freedom, access to and participation in the various elements of cultural life, at both national and community levels, for the largest number of people, if not for all. The public authorities have an auxiliary role in this area, which calls on the entire freedom of expression, innovative skill and creativity of the representatives of culture. With a view to ensuring the widest possible diffusion of cultural activities among the various strata of society, the public authorities encourage decentralization and practise the subsidiarity principle. Both private sponsorship and publicly funded grants give support to cultural productions.

262. At the European level, as entities of modest size, the communities aim at preserving their cultural entity while remaining open to external influences. International collaboration in the cultural field in the broad sense is multidimensional, although linguistic affinities naturally favour choices and contacts (among Dutch speakers on the one hand, and among French speakers on the other).

263. In the French Community, action by the public authorities is directed towards cultural democracy, the conservation and promotion of the cultural heritage, help for creative activities and access for all to the creation, promotion and spread of culture.

264. A decree concerning books aims at making this medium a chosen vehicle for access to the heritage, knowledge and the outside world. Its objectives include the reconstitution of the local library system, the encouragement of reading amongst the young and the gradual familiarization of management with the use of computerized techniques.

265. When the country's legislation on copyright has been reviewed, the French Community intends giving extra encouragement to literary productions in order to enhance the work of writers and support publishing. A policy of voluntarily motivated protection and promotion of folklore and popular speech is also under consideration.

266. For the performing arts, subsidies will be granted in the future on the basis of specific criteria for the conclusion of programme contracts.

267. Decentralization and access for all is among the themes of the cultural policy of the French Community, whose concern is to ensure that cultural activities should energize the greatest number of local communities. The network of large cultural institutions, local institutes and centres, libraries and media archives helps to maximize the spread of culture.

268. The French Community aims at supporting diversity and coexistence among public, private, local and Community television stations and in radio broadcasting. Measures will be taken to encourage the production of films, including television films, notably in regard to the private foreign channels which broadcast in the French Community. The latter is aware of the financial difficulties encountered by the press and seeks to improve editorial and advertising cooperation between the audiovisual media and the press.

269. The basis of the cultural policy developed by the Flemish Community is recognition of the great social importance of an active culture which gives an individual and collective meaning to human existence.

270. The Flemish Community considers that the centralization of functions and financial resources in the hands of a specially appointed community minister would be conducive to a more coherent cultural policy and the optimal use of the resources allocated to him.

271. The policy of the Flemish Executive is to keep the individuals, institutions and various cultural authorities concerned continuously informed of possibilities of assistance which exist at both the community and European levels, and also of support for their initiatives.

272. This cultural policy is directed towards the various strata of the population and age groups through the establishment of a pluralistic dialogue among the Community's citizens that respects differences in ideology and outlook on life. Cooperation at the local and provincial level is a further aim.

273. The overhaul of the legislation on performing rights and copyright should help to establish the social and fiscal status of artists on a sounder footing.

274. The Flemish Executive also seeks to stimulate interest among young people in aesthetic values and the cultural heritage by creating arts centres in which they can participate.

275. In consultation with the public, the Executive aims at encouraging the use of functional architecture of high quality for low-cost public housing and the renovation of urban centres.

276. As far as manifestations of formal art are concerned, Belgium is multicultural and has vehicles of expression which ensure it a genuine international reputation.

277. Opera remains an essential feature of cultural life and a national institution such as the Théâtre de la Monnaie displays a vigour whose influence extends to the Opéra royal de Wallonie (Royal Opera of Wallonia) and the Opera Voor Vlaanderen (Opera for Flanders).

278. Musical life is also highly developed with the support of numerous philharmonic institutions, and such prestigious events as the Queen Elisabeth international music competition, the Festival of Wallonia and the Festival of Flanders, in which leading artists participate.

279. In dance, the international reputation of Belgium is based on the contribution of Maurice Béjart and his Ballet of the Twentieth Century.

280. The cinema in Belgium is at a level which transcends the small size of the country, and action in this field by the public authorities enjoys the general approval of the industry.

281. Access to the media is particularly easy in the entire territory, through the multiplicity of existing infrastructures and the fact that in the audiovisual field Belgium is the country with the most cable connections in the world, enabling viewers to have access to programmes on some 30 television channels, most of them foreign.

282. A bill has been laid before Parliament this year with a view to making profound changes in the law on copyright, which goes back to the last century and has been rendered obsolete by progress of every kind which has taken place since then (see the annexes to this report).

(b) Scientific and policy research

283. Responsibilities in this area are divided between the national authorities (federal powers) and the Communities and Regions (basic research involving universities, links with economic policies).

284. The national authorities remain competent in matters of research in regard to the implementation of international and supranational agreements and other instruments, the establishment and organization of data exchange

networks among scientific institutions at the national or international level, and space research. Under certain conditions the Belgian Government can make proposals for research activities to the Communities and Regions.

285. As far as the dissemination of scientific information is concerned, rules and regulations governing scientific bodies, as well as researchers' contracts of employment, may restrict the right to publication of scientific findings, either to avoid publicizing insufficiently conclusive results or for reasons of professional ethics or for the preservation of copyright of other forms of intellectual property.

286. The scientific policy planning services (SPPS) deal, among other things, with the collection, processing and analysis of data on Belgian research potential as a whole; this information is made available to various categories of user.

287. National research promotion programmes aim at encouraging research directed towards objectives of common interest and public utility connected with improvement of the standard of living and the general competitiveness of the economy.

288. These programmes include work in the following areas: global changes, satellite remote sensing, Antarctic research, marine science, health hazards, transport and mobility, information technology, life sciences, AIDS and high-temperature supraconductors.

289. Without going into the details of these programmes, particular mention can be made of the following in the context of this report:

The "health hazards" programme whose goal is to stimulate scientific study of health hazards connected with the use of new and existing technologies in working life, and with environment and food (microbiological contamination of foodstuffs, safety of "new foods", food allergy and intolerance);

An in-depth research programme on AIDS problems as a whole;

A "social science" programme designed to formulate tools for social science research;

A "citizen's legal welfare" programme aimed at studying the qualitative and structural aspects of the legal system of interest to citizens, with a view to improving its transparency and adjusting it to socio-economic, technological and medical changes.

List of annexes*

Section 1:	Statistical data (population, health, social welfare, housing, education and culture)
Section 2:	ILO conventions to which Belgium is a party (list)
Section 3:	Employment policy
Section 4:	Wage formation
Section 5:	The labour market
Section 6:	Institutions, procedures and measures concerning employment
Section 7:	Women in the workforce, employment and unemployment
Section 8:	Equality between men and women
Section 9:	Sexual harassment
Section 10:	Outline of labour legislation
Sections 11 and 12:	The right to social welfare
Section 13:	The educational process

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* These annexes can be consulted in the archives of the United Nations Centre for Human Rights.